

Washington County Land Use Authority Meeting
January 12, 2010
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, January 12, 2010 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Vice Chairman Kim Ford. Commissioners present: Debora Christopher, Doug Wilson, Joann Balen, and Rick Jones. Also present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; John Willie, Senior Planner; Todd Edwards, County Engineer; and Darby Klungervik, Planning Secretary.

Excused: Mike Stucki and Dave Everett

Absent: Julie Cropper

Audience attendance: Trevor Townsend, Dee G. Atkin, Barbara Berrett

Vice Chairman Ford led the audience in the Pledge of Allegiance and explained meeting protocol.

Item # 1. STAFF COMMENTS Review staff comments for each item listed below. Staff initiated

Item # 2. CONDITIONAL USE PERMIT EXTENSION Review extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly. Trevor Townsend, applicant/agent.

The Planner reported this is the 2nd extension showing the route through Washington County and photos of the Iron County and North Las Vegas terminals, which have been completed. The applicant previously submitted a route plat showing the location of the petroleum pipeline, with the 12" line sizing. Public utilities and transmission lines are conditionally approved within OSC-20 and OST-20 zones. The applicant has indicated there are changes with the start date because of BLM deviations in the northern route, but the route in Washington County remains the same. As reviewed previously, the project is being reviewed and permitted by BLM, with extensive environmental studies conducted, complying with the National Environmental Policy Act (NEPA). Construction of the UNEV Pipeline was originally scheduled to begin in June of 2009 and expected to be completely built and operational by early 2010. The route of the pipeline through Washington County is a total of 48.16 miles in length. Ownership along the alignment of this pipeline is divided as follows: United States Forest Service, 28.8 miles; BLM, 14.5 miles; State Trust Land, 2.79 miles; and private ownership, 2.07 miles. UNEV is a 400-mile pipeline that originates near the refineries in North Salt Lake City and will deliver refined petroleum products to a terminal near Cedar City and a terminal in North Las Vegas. The system will carry 62,000 barrels per day and the Iron County terminal will have the capacity to hold 165,000 barrels and the North Las Vegas terminal will hold 300,000 barrels. The line is jointly

owned by Holly Energy Corporation, a Texas-based petroleum provider and Utah-based Sinclair Transportation Company. The applicant is in attendance and will provide us with updated information. They are in the process of obtaining encroachment permits from the Public Works Department.

Trevor Townsend, UNEV Pipeline, informed the commission that the Cedar terminals are 100% complete, as well as the originating pump station in North Salt Lake, less the BLM approval and the right-of-way across BLM land. Mr. Townsend said they are 100% complete with the right-of-way acquisition along the entire route and the BLM is the only thing holding them up. He also stated the notice of availability from the Salt Lake office should be leaving later this month and construction is expected to begin in late April and the pipeline should be operational by December, 2010.

Motion was made by Commissioner Balen to recommend approval of the conditional use permit extension, to install the UNEV pipeline, for a period of one (1) year. Commissioner Wilson seconded the motion. Four (4) commissioners voted aye.

Item # 3. CONDITIONAL USE PERMIT EXTENSION Review extension for a staging area for pipe storage yard to be used on the UNEV Pipeline, containing 13.300 acres, the Fenton Bowler property in Veyo. Trevor Townsend, agent/UNEV Pipeline LLC, applicant.

The Planner noted this is a 2nd extension and reviewed the previous site plan and current photos with the commission members. Previously, the applicant previously showed there was a need for a staging area in the County and the ideal location is the Bowler property in Veyo, which was previously used by IPP and Kern River. UNEV Pipeline has a lease agreement with Fenton Bowler for the period of one (1) year and it has been extended on an annual basis. As reported previously, their first shipment of pipe arrived by railway in 2008 and was trucked from Cedar City to the site in Veyo. Building Official Kurt Gardner advised that the construction has not begun.

Trevor Townsend, UNEV Pipeline, said he picked up the new lease from Mr. Bowler this morning and it has been renewed through November 30, 2010.

The commission expressed concern about traffic control and safety issues relative to the trucks entering and exiting the road.

Mr. Townsend assured the commission, when construction begins there will be flaggers when the trucks are coming in and out and they will make sure it is safe. He also said the pipe is already being stored at this location.

The commission determined there is no obstruction of vision and very little traffic, therefore flaggers should be sufficient.

Motion was made by Commissioner Balen to recommend approval to extend the conditional use permit, for the UNEV pipe staging area, until the end of November, 2010. Commissioner Wilson seconded the motion. Four (4) commissioners voted aye.

Item # 4.CONDITIONAL USE PERMIT EXTENSION Review extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located 1/4 mile east of the Washington County Landfill. Dee Atkins, landowner/Western Rock Products, applicant.

The Planner said this is a 2nd extension, with mining and mineral development being conditionally approved within the OST-20 zone. As reviewed previously, this is an area east of the County Landfill. Sanitation and water needs for dust control have been addressed. This area is to be leased by Western Rock and their initial crushing operation is within an M-1 zone, which is less than one mile to the south of this location. The commission addressed operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when it is in place. All trucks should be required to be covered with a tarp as per UDOT regulations. They will have access from Telegraph Street in Washington. The applicant is present to give an update.

Dee Atkin, representing the landowner, asked if one (1) year is the standard on a conditional use permit because they plan on taking a lot of gravel out, but have been unable to do so because of the economy. He said most of the gravel and decorative rock mined has been stock piled on site.

The planner explained conditional use permits are approved for one (1) year at a time until they have been in operation for four (4) to five (5) years, without any problems.

Mr. Atkin explained their easement to the property and showed the location of the rock on the map, saying there is about twenty eight (28) million tons of rock.

Motion was made by Commissioner Christopher to recommend approval of the conditional use permit extension, to operate a gravel crusher within the OST-20 zone, subject to the applicant adhering to all previous recommendations, for a period of one (1) year. Commissioner Jones seconded the motion. Four (4) commissioners voted aye.

Item # 5. CONDITIONAL USE PERMIT Request permission on installation and approval of the pipeline distribution for the Washington County Water Conservancy District in the Wet Sandy and Toquerville area. WCWCD/Ronald Thompson, applicant and Alpha Engineering, agent.

Commissioner Wilson declared a conflict of interest; therefore, he will not be voting on this issue.

The Planner informed the commission that the applicant submitted a route plat showing the location of the Wet Sandy Irrigation Pipe Line Project. The purpose of the project is to provide for enhanced conservation of water and to fulfill contractual obligations to the holders of water rights in the area. The project will consist of installing an irrigation pipeline and a new concrete diversion dam, and upgrading an existing settling pond on lands administered by the USFS Pine Valley Ranger District and the Dixie National Forest and the BLM's St. George Field Office, as

well as private lands. Public utilities and transmission lines are conditionally approved within OSC and OST-20 zones. A representative is in attendance.

Barbara Berrett, Alpha Engineering, stated this project is going to consist of about six (6) miles of 14" HDP pipe being installed to divert water out of Wet Sandy Creek and serve the Anderson Junction water users and also feed into a proposed reservoir in the future. She said the regulating pond is to regulate pressure down into the Anderson Junction area and they will be crossing Forest Service, BLM and some private property west of I-15. Ms. Berrett stated a diversion will be created to collect the water and put it into the pipe; historically the water was collected in a ditch and they are just making the old system more efficient for the irrigation water. She explained the location of the new reservoir to the commission and said it will also hold water from Ash Creek, but that will be a couple of years down the road. She noted this project will be open for bids on Tuesday the 19th and should be substantially complete by May 31, 2010; the estimated cost is seven hundred thousand (700,000) to one (1) million dollars. Ms. Berrett informed the commission that all Forest Service and BLM permits have been obtained.

Todd Edwards, County Engineer, said the public works department did receive the construction drawings for this project and they looked good; their only concern was the access and fire suppression. He wanted to know if this was a private easement or if it would be open to the public.

Mr. Wilson, WCWCD representative, said the Forest Service determines road access and the WCWCD currently has an easement and as far as public access, that is between the public and the Forest Service. He said the access will be gated at the Forest Service boundary.

Facts/Findings:

- **The use is compatible with the OST and OSC zones**
- **There is a need for continued water conservation therefore, it is necessary to upgrade the existing system**

Motion was made by Commissioner Balen to recommend approval of the conditional use permit for the pipeline distribution, as requested by WCWCD and Alpha Engineering, based on the facts and findings, for a period of one (1) year. Commissioner Christopher seconded the motion. Four (4) commissioners voted aye.

Item # 6. STAFF DECISIONS Review of decisions from the Land Use Authority Staff Meeting held on January 5, 2010. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darrel Humphries, Ash Creek Special Service District representative; Tina Esplin, Washington County Water Conservancy District; and Robert Beers, Southwest Utah Public Health Department.

Excused: Ron Whitehead, Public Works Director; and Paul Wright, Department of Environmental Quality

CONDITIONAL USE PERMIT

A. Request permission to allow for an existing accessory building permitted as a detached garage in 1999 to be permitted w/casita), within the RE-40.0 zone, Winchester Hills, Phase 4, Lot 241. Fred and Julie Kuenzi, applicant.

The applicant has requested an accessory dwelling within a previously constructed garage and illegal use of a casita located at 1688 W. Winchester Drive South. They purchased this property and thought they went through the approval process. Now they would like to sell the property and have all issues resolved. The applicant submitted a site plan and floor plan for staff review. The septic system installed for the main dwelling is adequate for the 1 bedroom added in the accessory dwelling, as per the letter obtained from the Southwest Utah Public Health Department. This meets the criteria set forth for accessory dwelling units. **The Conditional Use Permit was approved for one (1) year, subject to a permit being issued and the casita being inspected by the Department of Building Safety.**

PLAN REVIEW

A. Change Site Plan for the Veyo Merc/Restaurant/Mobile Home Park/Laundry/Bath/ for above ground gasoline removing one mobile home pad. Arlin Hughes, applicant.

The applicant recently purchased this property within the C-3 zone in Veyo, which was developed as a conditionally approved use prior to 1983, with the 12 unit RV Park and Laundry/Bath being approved on October 3, 1993. In 1988, seven (7) RV units were exchanged for three (3) double-wide mobile homes. The new owner would like to clean up the property by eliminating the underground gasoline tanks and install an above ground tank, removing one mobile pad for that use. There will be a concrete containment wall 8 inches thick, with dimensions being 22' x 16' x 2'. The Department of Environmental Quality (DEQ) is the approval and monitoring agency for underground tanks and the local Fire Authority approves the installation of the above ground fuel tanks. The tank is 10,000 gallon split compartment fuel tank which will be located at 13 North Main in Veyo. The local fire authority reviewed the plans and specifications for the installation and finds that they comply with the International Fire Code 2206.2.3 and in accordance with IFC Table 2206.2.3 and IFC 3404. Otherwise, the site plan remains the same and the tank will maintain a 25' setback from the side yard property line, having an existing 6' concrete block wall between adjacent property owners. **The staff approved the change to the site plan, subject to permits being issued, inspected by the Department of Building Safety and a review in one (1) year.**

Item # 7. MINUTES Consider approval of the minutes of the regular planning commission meetings held on December 8, 2009.

The Deputy Attorney pointed out a few grammatical errors.

Motion was made by Commissioner Christopher to accept the minutes, with the corrections suggested by the Deputy Attorney. Commissioner Balen seconded the motion. Four (4) commissioners voted aye.

Item # 8. COUNTY COMMISSION ACTION REVIEW Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the Washington County Commission on January 5, 2010, beginning at 4:00 p.m.: (a) Conditional use extension to expand the Red Butte Substation to support future load growth and to maintain transmission transfer capabilities, within the OSC-20 zone on approximately 17 acre of United States Forest Service land near Central... Rocky Mountain Power/Roger Rigby, applicant; and (b) Conditional use extension to create pasture grounds, corral and stabling lease areas for horses and an equipment, storage area and work shop for the Kayenta development group. within the OST-20 zone, a portion of Sec. 36, T41S, R17 W, and Sec. 1, T42, R17W, SLB&M, generally located south of Ivins...Terry Marten, applicant.

The planner reported that these items were approved by the County Commission, based on recommendation by the Planning Commission.

Item # 9. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated.

Vice Chairman Ford said he would accept a motion to adjourn, with Commissioner Balen saying, “so moved” and Commissioner Christopher seconded by repeating, “so moved”. All four (4) commissioners voted aye.

There being no further business at 2:20 p.m., Vice Chairman Ford adjourned the meeting.

Darby Klungervik, Planning Secretary

